

PATENT
2429-1-031RECEIVED
CENTRAL FAX CENTER

SEP 20 2006

REMARKS

Claims 1-14 are pending in the present application. Applicants herein cancel pending claim 11 and add new claim 15 in its place. Moreover, Applicants change claims 12-14 to depend from new claim 15 instead of canceled claim 11. No issue of new matter arises by way of this change since one of skill in the art would readily realize that new claim 15 merely states differently what was previously recited in claim 11.

The Examiner called by telephone on September 13, 2006 to issue an oral Restriction Requirement as follows:

1. Group I, claims 1-10, directed to a catalyst;
2. Group II, claim 11, directed to a method of oxidation; and
3. Group III, claims 12-14, directed to methods of obtaining the acids.

Applicants hereby elect Group I, claims 1-10, directed to a catalyst with traverse. Applicants respectfully request reconsideration of the Requirement for Restriction to allow prosecution of more than one group of claims designated by the Examiner in the present Application, for the reasons provided as follows.

Under 35 U.S.C. §121 "two or more independent and distinct inventions ... in one Application may ... be restricted to one of the inventions." Inventions are "independent" if "there is no disclosed relationship between the two or more subjects disclosed" (MPEP 802.01). The term "distinct" means that "two or more subjects as disclosed are related ... but are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE OVER EACH OTHER" (MPEP 802.01) (emphasis in original). However, even with patentably distinct inventions, restriction is not required unless one of the following reasons appear (MPEP 808.02):

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1. Separate classification
2. Separate status in the art; or
3. Different field of search.

Further, under Patent Office Examining Procedures, "[i]f the Search and Examination of an entire Application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions" (MPEP 803, Rev. 8, May 1988) (emphasis added).

Applicants herein join groups II and III by virtue of dependency of all of the claims on new claim 15. Therefore, pursuant to the MPEP 806.05(c) cited by the Examiner, restriction is no longer proper.

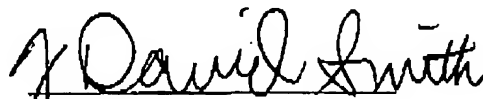
FEES

No fees are believed necessary in connection with the present Amendment and Response; however, should this be in error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overage.

CONCLUSION

Entry of the foregoing amendments and remarks into the record of the above identified application is respectfully requested.

Respectfully submitted,


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